



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**REQUEST FOR FILING APPLICATION UNDER RULE 1.53(b)**

Pursuant to 37 CFR 1.53(b), please file a ☒ continuation-in-part  
of the pending prior PATENT APPLICATION of:

Inventor: YOKOI et al

Serial No. 08/765,337

Filed: October 6, 2000

For: **HG-CSF FUSION POLYPEPTIDE HAVING C-MPL ACTIVITY, DNA CODING FOR SAME  
AND METHODS OF TREATING ANEMIA USING SAME(AS AMENDED)**

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

Atty Dkt.: 249-118

C# M#

Date: October 6, 2000

Group: 1646

Examiner: Mertz

jc825 U.S. PTO  
09/680514  
10/06/00

This request for filing under Rule 53(b) is made by the following named inventor(s) (using the above-identified title):

Inventor(s): YOKOI et al

- ☒ Attached is a true copy of the prior application as originally filed including the specification, claims, Oath/Declaration and drawings (if any) and abstract (if any). No amendments (if any) referenced in the Oath or Declaration filed to complete the prior application introduced new matter.
- ☒ Priority is hereby claimed under 35 USC 119 based on the following foreign applications, the entire content of which is hereby incorporated by reference in this application:

<u>Application Number</u>	<u>Country</u>	<u>Day/Month/Year/Filed</u>
Hei 7-102625	Japan	26 April 1995
PCT/JP96/01157		26 April 1996

☐ certified copy(ies) of foreign application(s) attached or

☐ already filed on \_\_\_\_\_ in prior appln. no. \_\_\_\_\_ filed \_\_\_\_\_

☒ already filed in PCT/JP96/01157 filed 26 April 1996

☒ The prior application is assigned to Kyowa Hakko Kogyo Co., Ltd..

☒ Power of Attorney has been granted to Arthur R. Crawford et al, Reg. No. 25,327 of Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Flr, Arlington, VA 22201.

☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.

☒ Please amend the specification by inserting before the first line WRONG SN This is a continuation-in-part of application Serial No. 09/765,337, filed December 23, 1996, now pending, the entire content of which is hereby incorporated by reference in this application.--

☐ "Small entity" statement of record. ☐ "Small entity" statement attached.

☐ Petition filed in prior application to extend its life to insure copendency.

☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein.

☒ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

**Attached Preliminary Amendment, Information Disclosure Statement, Declaration re Deposited Materials, Letter re transfer of sequence listing from parent case and copy of sequence listing.**

☒ The entire disclosure of the prior application above-referenced is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee		\$	710.00
Total effective claims	9 - 20 (at least 20) = 0	x \$ 18.00	\$ 0.00
Independent claims	2 - 3 (at least 3) = 0	x \$ 80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)			\$ 0.00
		<b>SUBTOTAL</b>	\$ 710.00
If "small entity," then enter half (1/2) of subtotal and subtract		-\$ (	0.00)
		<b>SECOND SUBTOTAL</b>	\$ 710.00
Assignment Recording Fee (\$40.00)		\$	0.00
		<b>TOTAL FEE ENCLOSED</b>	\$ 710.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
ARC:pfc

**NIXON & VANDERHYE P.C.**

By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: \_\_\_\_\_

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.



Name (Appellation)

Kyowa Hakko Kogyo Co., Ltd.  
Representative Director:  
Mr. Kannosuke Nakamura

Depositor

Address

Postal Code 100  
6-1, Ohtemachi 1-chome, Chiyoda-ku, Tokyo

I. Indication of Microorganism

(Indication for identification  
used by the depositor)

(Accession Number)

Escherichia coli TLN-1

FERM BP-5001

II. Scientific Description and Taxonomic Designation

The document accompanying the microorganism described in column I above describes the following:

- ☐ Scientific Description  
☒ Taxonomic Designation

III. Receipt and Acceptance

This international depositary authority received the microorganism described in Column I on February 16, 1995 (date of the original deposit).

IV. Receipt of a request for transfer

This international depositary authority received the microorganism described in Column I on (date of the original deposit). Then, the international depositary authority received a request for transfer of the original deposit to the deposit based on the Budapest Treaty on

V. International Depositary Authority

Appellation: National Institute of Bioscience and  
Human-Technology,  
Agency of Industrial Science and Technology

Osamu Suzuki, Dr., DIRECTOR GENERAL. (seal)

Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki,  
305, JAPAN

February 16, 1995



BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

〔特許手続上の微生物の寄託の国際的承認に関するブダペスト条約〕

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

下記国際寄託当局によって規則 7. 1 に従い発行される

issued pursuant to Rule 7. 1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名 (名称) 協和酸酵工業株式会社  
取締役社長 中村 寛之助  
寄託者 あて名 ⑩ 100 殿  
東京都千代田区大手町一丁目 6 番 1 号



I. 微生物の表示

(寄託者が付した識別のための表示)  
Escherichia coli TLN-1

(受託番号)  
FERM BP- 5001

II. 科学的性質及び分類学上の位置

I 欄の微生物には、次の事項を記載した文書が添付されていた。

- ☐ 科学的性質  
☒ 分類学上の位置

III. 受領及び受託

本国際寄託当局は、平成 7 年 2 月 16 日 (原寄託日) に受領した I 欄の微生物を受託する。

IV. 移管請求の受領

本国際寄託当局は、  
そして、 年 月 日 (原寄託日) に I 欄の微生物を受領した。  
日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

V. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology  
Agency of Industrial Science and Technology

所長 鈴木 修 Osamu Suzuki, DIRECTOR GENERAL.

あて名: 日本国茨城県 1-3, Higashi 1-chome Tsukuba-shi Ibaraki-ken  
305. JAPAN

平成 7 年 (1995) 2 月 16 日